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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,884	02/23/2004	Chao Hung Lin	C3P4001-USP930814	5999
47118	7590	11/15/2005	EXAMINER	
CHAO HUNG LIN 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, 235 TAIWAN			MACPHERSON, MEOGHAN E	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/782,884	Applicant(s) LIN, CHAO HUNG	
	Examiner Meaghan E. MacPherson	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment I</u> . |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 14 (Figures 1, 2, and 4) and 15 (Figures 1, 2, and 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on page 3 there appears to be an unintentional addition of the word "two" in line 28 that reads "the two positioning needle." For the purposes of this Office Action, the examiner will read line 28 to be understood as --the positioning needle--. Appropriate correction is required.

3. Claim 6 is objected to because of the following informalities: line two of the preamble reads "in a plaster cast o the denture mold." In light of the preambles of previous claims, it is clear that applicant intended for the preamble of claim 6 to read --in a plaster cast of the denture

Art Unit: 3732

mold-- and will be understood as such by the examiner for the purposes of this Office Action.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "two symmetrical flanges are expanded from a bottom of the connecting section and located between the two protrusions" in lines 3-4 of the claim. There is insufficient antecedent basis for this limitation in the claim, as claim 5 depends from claim 1 and claim 1 does not mention "the connecting section". For the purposes of this Office Action, claim 5 will be understood to recite --two symmetrical flanges are located between the two protrusions--.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayclin'370 (US Patent No. 4,997,370).

Mayclin'370 discloses a positioning needle for positioning a denture 44 comprising a rod 70 extended on two sides with a pair of symmetrical protrusions 25 for embedding the needle

Art Unit: 3732

into the plaster cast 41 (col. 3, lines 1-5, 31-42; see Figures 1, 3, 4, 8, and 9). The bottom of each protrusion is extended with a positioning portion A, with the positioning portions reduced downward and their two lateral surfaces being installed with positioning contact surfaces 29 (col. 3, lines 1-5; see Figure 4 and Attachment I). Mayclin'370 also discloses that the rod has a positioning surface 73 vertically connected to the protrusions, and that the rod's top is connected to an assembling portion 72 with a teathed surface (col. 3, lines 31-42; col. 4, lines 24-28; see Figures 8 and 9). Mayclin'370 discloses two symmetrical flanges 26 located between the two protrusions (see Figure 4 and Attachment I). Mayclin'370 further discloses a plaster cast 41 having at least one position hole 43 with two sides of the positioning hole being formed with respective first and second concave portions for positioning the position portion A (col. 4, lines 24-38; col. 5; lines 10-18; see Figure 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayclin'370 in view of Weissman'264 (US Patent No. 4,801,264). Mayclin'370 discloses a positioning needle that shows the limitations as described above; however, Mayclin'370 does not disclose a connecting section.

Weissman'264 teaches a positioning needle 12 with a connecting section 24 installed between the assembling portion 16 and a collar 46 (col. 3, lines 31-41; see Figures 1 and 2). It

Art Unit: 3732

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the positioning needle of Mayclin'370 to incorporate the teachings of Weissman'264 to create a positioning pin with a connecting section between the assembling portion and the protrusions to create a more stable and airtight fit between the positioning needle and the plaster cast.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 3,798,772 to Eberhard.

US Patent No. 5,207,574 to Garland.

US Patent No. 5,286,191 to Poveromo.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meaghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meaghan E. MacPherson


John J. Wilson
Primary Examiner

Attachment I

